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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,307	11/28/2003	Chi Lam Wong		1426

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EXAMINER

PRICE, CARL D

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,307

Applicant(s)

WONG, CHI LAM

Examiner

CARL D. PRICE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments with respect to newly submitted claims 2-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended the claims to be of a scope different than that previously considered. Applicant, for example, argues that the prior art does not show or disclose:

- an upper cover having a protuberance downwardly extended from a cover side edge thereof;
- an opening downwardly extended from an upper edge of the case along "at the case side edge thereof" (as claimed in claim 2);
- a connector having a recess portion wherein the connector is fittingly inserted into the opening to receive the connecting means therewith in a hidden manner (as claimed in claim 2).

The newly presented claims however do not define the invention over the prior art of record. JP '437 (JP 2001-165437) shows the structure broadly defined in claims 2-5. For example:

In the same manner broadly set for in applicant's claims the protuberance (e.g. – the lower hinge finger portions (not referenced) of member (3a)) of JP 2001-165437 extends downwardly from a cover side edge (11), connector (3b) pivotally attached to the protuberance by a hinge pin (3c) and is received in a downwardly extended opening (generally at 6, 7, 8) including longitudinal grooves (6) which extend from upper edge (e.g. -7,8) of the case along at the case side edge thereof.

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See the rejection of the claims under 35 U.S.C. 102(a) as being anticipated by JP2001-165437 detailed hereinbelow.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “connector extending in an inclined manner” (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended **replacement drawing** sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 2 is objected to because of the following informalities: In line 2, "light" should be - - lighter- -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-21: rejected under 35 U.S.C. 112, second paragraph

Claims 2-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are vague and indefinite.

For example:

In claim 2, line 14, there is no proper antecedent basis for the term "said connecting means".

In claim 2, line 5, the phrase "along at said case side edge thereof" causes the claims to be vague and confusing.

In claims 3 and 5, there is no proper antecedent basis for the term "said connecting means".

In claims 9-15, line 2, there is no proper antecedent basis for the term "said case side edge cover".

Claims 4, 7, 8, 11, 14, 15, 17, 18, 20 and 21 recite the limitation "trapezoid cross section". There is insufficient antecedent basis in the specification for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 2, 3, 5, 6, 9, 10 12, 13 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by JP2001-165437.

JP2001-165437 shows a lighter housing having a gas container (12), a combustion device (not referenced) the gas container, and an igniter for igniting (not referenced) the combustion device and further including includes an upper cover (1) and a case (2), wherein the upper cover includes a protuberance (i.e. - the lower hinge finger portions (not referenced) of member (3a)) forming a small hole (3c) therein. A connector (3b) is disposed below the protuberance for connecting the upper cover and the case. The lower hinge finger portions (not referenced) of member (3a)) of JP 2001-165437 extend downwardly from a cover side edge (11) are fitted to a connector (3b) pivotally attached to the protuberance by a hinge pin/bolt (3c) which is received in a downwardly extended opening (generally at 6, 7, 8) including longitudinal grooves (6) which extend from upper edge (e.g. -7,8) of the case along at the case side edge thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7, 8, 11, 14-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP2001-165437 (of record) in view of US3615035 (NEWTON)(newly cited).

JP2001-165437 shows the invention substantially as set forth in the claims with possible exception to the connector having a trapezoid (i.e. – dovetail) cross section.

US3615035 (NEWTON) teaches, from the same hinge field of endeavor as JP2001-165437, forming hinge connecting portions (5) to have a trapezoid cross section for the purpose of inhibiting disengagement of the hinge connector (see column 3, lines 51-53).

In regard to claim 4, 7, 8, 11, 14-18, 20 and 21, for the purpose of inhibiting disengagement of the hinge connector, it would have been obvious to a person having ordinary skill in the art to modify the JP2001-165437 connector to include a trapezoid (i.e. – dovetail) cross section, in view of the teaching of US3615035 (NEWTON).

In regard to claims 16-18, since the thickness of the connector would depend on numerous design concerns such as the overall size and shape of the cover and/or case, respectively, the type of material used to manufacture the cover and/or case, etc., to form the

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connector to have a thickness in the range stated in applicant's claims can be viewed as nothing more than a mere matter of choice in design absent the showing of any new or unexpected results produced therefrom over the prior art of record.

Conclusion

See the attached PTO FORM 892 for prior art made of record and not relied upon and which are considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is 703-308-1953. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CARL D. PRICE
Primary Examiner
Art Unit 3749